

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

SB 2400

January 15, 2010

SUMMARY OF BILL: Changes the penalties for a boating under the influence conviction by increasing the monetary penalty ranges, requiring mandatory confinement within a county jail or workhouse, and prohibiting the person convicted from operating any vessel subject to registration on public waters for a period of time based on the number of offenses.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures – Not Significant

Increase Local Revenue – Exceeds \$6,900

Increase Local Expenditures – Exceeds \$37,100*

Assumptions:

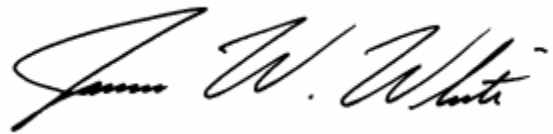
- According to the Tennessee Wildlife Resources Agency there were 70 boating under the influence (BUI) convictions in 2009, 106 convictions in 2008 and 77 convictions in 2007.
- Not all BUI arrests from 2009 have been adjudicated. The average number of convictions in 2008 and 2007 is 92 ($106 + 77 = 183 / 2$)
- Ninety percent of convictions will be first time offenders while seven percent will be second time offenders and three percent will be third time and subsequent offenders.
- Incarceration costs to local government are calculated at \$46.61 per day.
- An estimated 83 ($92 \times 90\%$) first time offenders will require a minimum 48 hour incarceration resulting in an increase in expenditures to local government of \$7,737.26 ($2 \text{ days} \times \46.61×83) and an increase in the minimum fine from \$250 to \$350 resulting in an increase in local revenues in excess of \$8,300 ($\100×83).
- An estimated six ($92 \times 7\%$) second time offenders will require a minimum 45 day incarceration resulting in an increase in expenditures to local government of \$12,585.70 ($45 \times \46.61×6) and an increase in the minimum fine from \$500 to \$600 resulting in an increase in local revenues in excess of \$600 ($\100×6).
- An estimated three ($92 \times 3\%$) third time offenders will require a minimum 120 day incarceration resulting in an increase in expenditures to local government of \$16,779.60 ($120 \times \46.61×3) and an increase in the minimum fine from \$1,000 to \$1,100 resulting in an increase in local revenues in excess of \$300 ($\100×3).
- Twenty-five percent will not pay required fee due to indigence.

- The total increase to local governments is estimated to be \$6,900 per year (\$9,200 x 25%)
- According to the Tennessee Wildlife Resources Agency, because the provisions of this bill only increase penalties for violations, the bill will not significantly increase departmental expenditures.

*Article II, Section 24 of the Tennessee Constitution provides that: *no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" written in a larger, more prominent script than the last name "White".

James W. White, Executive Director

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